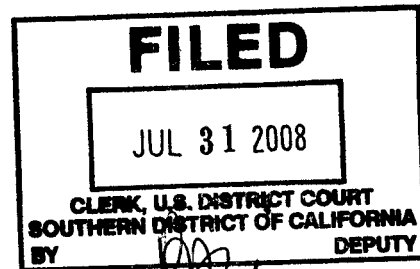


Lantz Arnell
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(619) 435-4064

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JUL 28 2008



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL
Plaintiff

Case No. 08-cv-00441(LAB)

v.

Separate Statement of Points
And Authorities in Support of
Plaintiff's Motion to Reconsider
Denial of Plaintiff's Request for
Court order for Bank's Surveillance
Video

JACK LIEB, ESQ. , AND ASSOC.,
JUDGE W. MCADAM, ET AL.
Defendants

FRCP Rule 60(b): "On motion and upon such terms as are just, the court may relieve a party (from an) order, or proceeding for the following reasons: (1) mistake..." "...This rule that court may relieve party from judgement...is to be liberally construed to carry out purpose of avoiding enforcement of an erroneous

1 judgement.” [*Blanchard v. St. Paul Fire & Marine Insurance Co.* (1965) 341 F. 2d
2 351, 15 L. Ed. 2d 73].

3 “The Rule should be liberally construed for the purpose of doing substantial
4 justice.” [*re Hankins, D.C. Miss.* (1973) 367 F. Supp. 1370.]

5
6 FRCP 26 (b) (1): “Parties may obtain discovery regarding any matter...which is
7 relevant to the subject matter in the pending action...” “Rules 26-37 of these rules
8 should be liberally construed in favor of discovery where possible.” [*Klausen v.*
9 *Sidney printing and Pub. Co., D.C.Kan.* (1967), 271 F. Supp. 783]

10
11 Congressional Statement of Findings and Purpose: “Organized crime continues to
12 grow because the evidence-gathering process(es) of the law...are unnecessarily
13 limited in scope and impact.” [Section 1 of Pub. L. 91-452]. Plaintiff has been the
14 victim of organized crime. The federal court is his only avenue of redress.
15 Federal law empowers victims to bring cases to federal court for redress, but
16 primarily to aid in the eradication of organized crime in the U.S.A. “... novel
17 remedies and attacking crime on all fronts were made with direct reference to
18 private damages provision of RICO Act, it is in such spirit that all of the act’s
19 provision’s should be read.” [*Sedima, S.P.R.L. v. Imrex Co., Inc., U.S.N.Y.* (1985),
20 105 S. Ct. 3275, 87 L. Ed. 2d 346]. The Congressional intent to eliminate crime
21 separates civil RICO actions from all other civil actions. “RICO is to be read
22 broadly and liberally construed.” [*LaSalle Bank Lake View v. Sebugan, N.D. Ill.*
23 (1996), 937 F. Supp. 1309] and [*U.S. v. Kaye, C.A.7(Ill.)* 1977, 556 F. 2d 855, 54
24 L. Ed. 277]

25 CONCLUSION

26 The evidence provided by the bank’s surveillance video is vital to plaintiff’s
27
28

1 case. Statutes and case law establish that it is the plaintiff's right to acquire this
2 evidence to make his case. The Congressional intent of U.S.C. 18 § 1964 is that
3 civil RICO cases should gather evidence to expose patterns of organized crime.
4 Respectfully, plaintiff requests reconsideration and granting of a court order for
5 the bank's video surveillance evidence.

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7 Respectfully submitted by Lantz Arnell, MD

8 7/25/08

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lantz Arnell 1516 Glorietta Blvd Coronado, CA 92118 619-435-4064 TELEPHONE NO.: E-MAIL ADDRESS (Optional): FAX NO. (Optional): ATTORNEY FOR (Name):		POS-0 FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: Cheryl Brierton, Esq. MAILING ADDRESS: 220 W. Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PETITIONER/PLAINTIFF: Lantz Arnell, MD RESPONDENT/DEFENDANT: Jack Lieb, And Assoc. Judge McAdam and others		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		
		CASE NUMBER: 08-cv-00441 (LAB)

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 416 B Ave, Coronado, CA

3. On (date): 7-25-08 I mailed from (city and state):
the following documents (specify):

Notice of Motion for Reconsideration, Hearing date
and Memorandum of Points and Authorities.

- ☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (*check one*):
- a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
- a. **Name of person served:** Cheryl Brierton, Esq.
- b. **Address of person served:** 220 W. Broadway
San Diego, CA 92101

- ☐ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P))*.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7-25-08

B. CORRIERE

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

► B. Carrière

(SIGNATURE OF PERSON COMPLETING THIS FORM)